



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UHLIG, LLC,
Plaintiff,

vs.

JOHN ADAM SHIRLEY, et al.,
Defendants.

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CIVIL ACTION NO. 6:08-1208-HFF-WMC

ORDER

This case was filed as a copyright infringement action. The matter is before the Court for review of the Reports and Recommendations (Report 1 and Report 2) of the United States Magistrate Judge suggesting that a temporary restraining order be issued in this case in a manner outlined in Report 1. The Reports were made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed Report 1 on May 13, 2008, and Report 2 on May 27, 2008. Each party subsequently filed objections in which they generally set forth the arguments that they

previously presented to the Magistrate Judge. Neither party filed responses to the other party's objections.

The Court has carefully considered the objections, but finds that the recommendations set forth in the Magistrate Judge's comprehensive and well-reasoned Reports to be the correct approach, except that the Court will direct that a preliminary injunction* be issued in this case in a manner outlined in *both* Report 1 and Report 2.

After a thorough review of the Reports and the record in this case pursuant to the standard set forth above, the Court overrules the parties' objections (except as noted above), adopts Report 1 and Report 2 to the extent that they do not contradict this Order, and incorporates them herein. Therefore, it is the judgment of this Court that a preliminary injunction, as outlined in Report 1 and Report 2, shall hereby issue in this case.

In light of the issues presented here, the Court will entertain a proposed expedited scheduling order.

IT IS SO ORDERED.

Signed this 5th day of August, 2008, in Spartanburg, South Carolina.

s/ Henry F. Floyd
HENRY F. FLOYD
UNITED STATES DISTRICT JUDGE

*The parties filed a stipulation on June 13, 2008, agreeing that, if the Court decided to enter an order for injunctive relief arising from the Reports, such injunctive relief should be treated as a Preliminary Injunction and not as a Temporary Restraining Order.